

11
76th Sept 11
N^o 11.

REFLECTIONS

ON

"REASONS FOR A CORPORATION,"

OR A

DEFENCE OF DISSUASOR, AND OTHERS WHO

OPPOSE THE CORPORATION.

THE PAMPHLET WHOSE ARGUMENTS ARE ABOUT TO BE
DISCUSSED DID NOT COME INTO THE HANDS OF THE
AUTHOR OF THE FOLLOWING PAGES UNTIL A
FEW DAYS BACK OR HE WOULD HAVE
MADE HIS REPLY BEFORE.

This Pamphlet evidently written by a man of deep research, betrays a disposition to overlook the peculiar circumstances attached to the subject on which it treats. The author selects examples and principles from other sources, and takes no pains to investigate whether they are applicable to the characteristic circumstances of this society,

The arguments against the corporation which the Author professes to disprove, are 1stly, because

Canada is a conquered country ; 2ndly because that measure will be apt to generate faction and its concomitant enmities ; and 3dly, because it is in itself premature,—we will make our observations, as the author separately examines these considerations.

In referring to the history or mankind ; the Author infers that to obliterate the national characteristics between the conquered, and conquerors, no political distinctions should be introduced ; that the people vanquished and their conquerors should be alike amenable to one law, and possessed of the same privileges : but if we consider the infancy and advancement of the liberty of conquered countries, we will find that the assimilation of the conquered to the political immunities of their invaders has when slowly and gradually made been invariably accompanied by an assimilation to their language and customs.

The early progress of liberty in conquered countries has been conducted by raising the conquered nearer their conquerors in gradually minorating the authority of the latter, and by slowly identifying the civil codes, which control the two societies ; thus in the instances our author cites one party was immediately after their conquest despotic, the other servile and abject. In Canada both parties have ever been alike free and equal. When there are great political distinc-

tions and disparity between the conquerers and conquered, the aversion, and envy of the latter are not directed to the national characteristics, but to the authority, control, and rank of the former. Men bereft of all liberty, subject to the absolute tyranny and unbounded rapacity of others, may, as long as they continue thus abject, retain their peculiar manners, customs, and language, but not their independence or patriotism; and as soon as an opening is given them to participate in the authority and power of their conquerers, they will to facilitate their own civil advancement, resign the marks of that society they wish to desert, and adopt the characteristics of the people to whom they are ambitious to approximate. The cause then of the language and customs of one people being acquired, and those of another relinquished is the interest of the latter. If Great Britain had conquered Canada without making the least concession; if she had not conferred any political immunities, but as the rancour and mortification of the vanquished subsided, she had gradually granted them the constitution they now enjoy, we may fairly speculate that by this time, there would be but few national distinctions in Montreal.

With regard to the sudden and great benefits which History testifies accrued to towns on being invested with corporated rights, we must submit that they resulted from the removal of evils

which do not here exist, and not from the endowment of those privileges which are projected for this City ; they were often granted by the Monarch to undermine the exorbitant power of the nobles ; they were usually solicited by the people to defend themselves against external interference, and aggression. The most reasonable method, then, of accounting for the very rapid advancement of towns after their becoming incorporated, is their enfranchisement from the tyranny and extortions of a rapacious Barony.

Our Author defines next the distinct functions of the authorities in the civil economy of England and applies them to Canada whose political circumstances are widely different. He observes " that it comes not within the duty of all or any of the branches of the legislature, to take cognizance of the municipal affairs of districts or towns, because their information is more defective, their interest more remote, and their attention less likely to be awakened." These reasons he hints should have additional weight in Canada where the towns are such a great distance from the seat of Government. The mutual acquaintance and sympathy of the inhabitants of different towns, with their circumstances, and interests, are more dependant on their communication, than propinquity. The commerce between towns in Canada, has to that between towns in England, a much larger ratio than the population of the

former, to the population of the latter; thus the people of Canada and their representatives are more intimate with each others interests, than the English are with theirs; and therefore the Canadian Legislature is better qualified to manage the interior economy of particular towns.

Should there be any measure acknowledged by both parties to be beneficial, the people of the city can be taxed, and the amount applied in the mode they suggest, at the instance of a petition to the Legislature, and the immediate overseers of its application fixt on by the executive, an authority upon whose judgment and probity much more important determinations devolve.

But our Author strongly condemns the principle of the superintendents of the expenditure of taxes, not being elected by the community upon whom the assessment is made, and for whose use it is to be applied; such an argument is however contrary to the spirit of the British Constitution. The Author's whig principles which he pretty clearly discloses, will prompt him to grant "Men are not made for kings, but kings for men." The taxes are then raised to meet the exigencies of the contributors—but their amount is placed in the hands of distributors appointed by the Executive. The representatives of the community ordain to what ends the taxes are to be applied, but, to maintain the Executive could not choose the agents, would be an unconstitutional doc-

trine : It is no good here where there are so few distinctions in instituted ranks pretending a difference between the relation the Executive has to the whole body of community, and to the parts which compose it.

Our Author next asserts that the town cannot be in a worse situation, and infers no alteration can injure it ; if the town cannot be in a worse situation, the magistracy is useless, and the laws of the land are quite inadequate, and unprotective ; but the person who has walked with his watch in his fob through our streets, without being knocked down gives such a position a *practical answer*.

The question is this, whether the economy of the City is to be conducted by men of intelligence and capacity, but confined authority or by men with the power of enforcing an important decision, but without the understanding to perceive a just one.

In the event of the corporation being established it will be allowed, few measures which are not determined upon with a tolerable degree of concord are likely to be politic ; but those measures which both parties agree are desirable, can, as has been seen, be produced by recommending them to the Legislature whose principles, opinions, and feelings, sympathize and beat time to those of their Montreal Brethren, as our author himself argues.

The second divisions of Reasons for a Corpo-

ration commences by observing "public enquiry and discussion universally elucidates truth, allays prejudices—extinguishes enmities &c.—Now we conceive the result of a discussion can alone demonstrate its evil, or beneficial tendency. Discussions often end in bloodshed and **Rebellion**. Men who can read and write have the press open for their controversies. The pen is not so calculated to irritate as the tongue. Bringing inimical parties into contact is certainly a novel mode of reconciling them; the tragical affair at Galway, among a host of other instances, evinces it to be at any rate, not universally efficacious in extinguishing enmities in a peaceable manner. Our author goes on to admit "no minor public good was ever attained but through the medium of much intermediate private misery." We answer as soon as it is proved that any public good will be attained, then we may decide whether it is worth such a price.

We pass over several remarks with observing that no general principle can be said to be good under particular circumstances unless its adaption to those particular circumstances is demonstrated; and conclude our reflections on the second division of the pamphlet by stating we do not wish the English interests to supplant the Canadian, but we deem the opinions of the *few* intelligent should have greater weight in all gov-

ernments than the obstinate prejudices of the multitude.*

We are compelled again to protest against the authors appeal to History, especially in this instance, where he has withheld facts which would have told strongly against his argument. Numa the King of Rome did not unite the Roman, and Sabine people into only one body, he resolved them indiscriminately into several corporations. Society may be divided and subdivided into several bodies, and we will universally find each member of every body (no matter what domestic differences there are) prefer his corporation to every other.

Numa then wisely introduced the innocuous partialities and competitions of civil and commercial bodies, to supercede the dangerous prejudices and rivalships of hostile nations.

The Corporation is destined, as our author somewhere hints, to manage public property, direct improvements, to correct evils or redress abuses, but the men who will ordain the acts of the corporation, *i.e.* the majority, are indifferent about the economy of the city or determined to oppose most things which the intelligent recommend for its benefit; therefore you assign functions to men which they will either abuse, or not use, and if this is not premature, it is impolitic, absurd, and contradictory.

* Our readers we trust will excuse us making use of so trite a remark as it is so decidedly apposite.

Our authors mind not being transparent, we cannot answer the reasons which cause him to decide, that our wish to defer the incorporation of the town indicates a desire to imitate the example of the hordes of Scythia or the tribes of Sumatia.

The next attempt is to shame the opposers of the incorporation, by appealing to the example of the despotic Sovereigns of the dark ages. And the savages of the adjacent woods; if indeed it were shown that we now are in the social situation they were antecedent to the institution of their Corporations, and the establishment of their counsels and chieftains, we would cheerfully assist in executing any remedy the author might suggest.— The error throughout the whole of the work, is, supposing Corporations to be an indispensable concomitant of civilization, and freedom, and upon this false axiom the whole argument is built.

The concluding animadversions of the principle "that Magistrates should pledge themselves to support the measures of Government previous to their appointment to office," we cordially agree in; but we firmly believe if the executive of Lower Canada choose the most intelligent, unprejudiced, and ingenuous men to act as Magistrates, it will only oppoint its own supporters.

Although we differ with the writer of *Reasons*

for a Corporation in most points, yet we cannot forbear praising the force of his language, the chastity of his illustrations, and the evident profundity of his reading, we can easily perceive he is a man of no ordinary talent, that the Pamphlet was not the work of much labour, and that if he had more elaborately considered the subject in all probability his position would have been more speciously supported.

Probably for those readers who have not thought much on the subjects in this article we have been too concise, we have pointedly rejected illustrations ; but if our several reflections are fairly considered we have no doubt our author who indicates in his work so much perspicacity, will candidly join our other readers in acknowledging their justice.

4